

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSE RODRIGUEZ,

Plaintiff,

v.

JAMES COX, et al.,

Defendants.

Case No. 3:14-cv-00439-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOK

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 45) ("R&R"). No objection to the R&R has been filed.¹

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

¹The R&R (dkt. no. 45) that was mailed to Plaintiff was returned as undeliverable and stamped "inmate paroled." (Dkt. no. 46.)

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that
10 this action be dismissed with prejudice based upon Plaintiff's failure to file a change of
11 address pursuant to LSR 2-2. After reviewing the filings, the Court agrees with the
12 Magistrate Judge's recommendation.

13 It is therefore ordered, adjudged and decreed that the Report and
14 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 45) is accepted and
15 adopted in its entirety.

16 It is ordered that this case be dismissed with prejudice.

17 The Clerk is directed to close this case.

18 DATED THIS 16th day of December 2015.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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